



U.S. Citizenship
and Immigration
Services

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FILE:

LIN 07 210 52885

Office: NEBRASKA SERVICE CENTER

Date:

DEC 04 2009

IN RE:

Petitioner:

Beneficiary

PETITION: Immigrant Petition for Member of the Professions holding an Advanced Degree or Alien of Exceptional Ability pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2).

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. § 103.5(a)(1)(i).

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks classification of the beneficiary as an employment-based immigrant pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as an alien holding an advanced degree. The director determined that the petitioner did not establish that the beneficiary holds an advanced degree.

On Form I-290B counsel stated only that the petitioner is “hereby filing an APPEAL on a DECISION of DENIAL on the I-140 petition.” Counsel did not submit any brief or evidence with Form I-290B. He further indicated that no supplemental brief and/or additional evidence would be submitted.

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. Counsel here has not addressed the stated reasons for denial, has not specifically identified any factual or legal errors in the director’s decision and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.